

under this subpart and will have a 42 CFR part 84 approval label.

#### § 84.1101 Definitions.

As used in this subpart

(a) *Air Contamination Level* means the standards of contaminant levels prescribed by the Secretary of Labor in accordance with the provisions of the Occupational Safety and Health Act of 1970 (Pub. L. 91-596; 84 Stat. 1590).

(b) *DOP* means a homogenous liquid aerosol, having a particle diameter of 0.3 micrometer, which is generated by vaporization and condensation of dioctyl phthalate.

(c) *Pesticide* means:

(1) Any substance or mixture of substances (including solvents and impurities) intended to prevent, destroy, repel, or mitigate any insect, rodent, nematode, fungus, weed, or other form of plant or animal life or virus; and

(2) Any substance or mixture of substances (including solvents and impurities) intended for use as a plant regulator, defoliant, or desiccant, as defined in the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, as amended (7 U.S.C. 135-135k), excluding fumigants which are applied as gases or vapors or in a solid or liquid form as pellets or poured liquids for subsequent release as gases or vapors.

(d) *Radionuclide* means an atom identified by the constitution of its nucleus (specified by the number of protons  $Z$ , number of neutrons  $N$ , and energy, or, alternatively, by the atomic number  $Z$ , mass number  $A=(N+Z)$ , and atomic mass) which exists for a measurable time; decays or disintegrates spontaneously, emits radiation, and results in the formation of new nuclides.

(e) *Smoke* means the products of incomplete combustion of organic substances in the form of solid and liquid particles and gaseous products in air, usually of sufficient concentration to perceptibly obscure vision.

#### § 84.1102 Examination, inspection and testing of complete respirator assemblies; fees.

The following fees shall be charged by the Institute for the examination, inspection and testing of complete respirator assemblies approved under this subpart:

(a) Gas masks with particulate filter, including pesticide gas masks—

(1) Single hazard—\$1,100.

(2) Type N—\$4,100.

(b) Dust, fume and mist respirators—

(1) Single particulate hazard having an Air Contamination Level more than 0.05 mg./m.<sup>3</sup> or 2 million particles per cubic foot—\$500.

(2) Combination particulate hazards having an Air Contamination Level more than 0.05 mg./m.<sup>3</sup> or 2 million particles per cubic foot—\$750.

(3) Particulate hazards having an Air Contamination Level less than 0.05 mg./m.<sup>3</sup> or 2 million particles per cubic foot, radon daughters —\$1,250.

(4) All dusts, fumes and mists—\$2,000.

(c) Paint spray respirators—\$1,600.

(d) Pesticide respirators—\$1,600.

(e) Chemical cartridge respirators with particulate filter—\$1,150.

#### § 84.1103 Approval labels and markings; approval of contents; use.

(a) Full-scale reproductions of approval labels and markings, and a sketch or description of the method of application and position on the harness, container, canister, cartridge, filter, or other component, together with instructions for the use and maintenance of the respirator shall be submitted to MSHA and the Institute for approval.

(b) Approval labels for non-powered and powered air-purifying dust, fume, mist respirators approved prior to July 10, 1995 under the provisions of subpart K of 30 CFR part 11 (See 30 CFR Part 11 edition, revised as of July 1, 1994.) shall bear the emblem of the Mine Safety and Health Administration and the seal of the Department of Health and Human Services, the applicant's name and address, an approval number assigned by the Institute, a statement that the respirator was tested and approved under subpart K of 30 CFR part 11 and, where appropriate, restrictions or limitations placed upon the use of the respirator by the Institute. The approval number assigned by the Institute shall be designated by the prefix TC and a serial number.

(c) Approval labels for powered air-purifying respirators approved under the provisions of this subpart shall